

# JAY P. KESAN

2709 Windward Blvd.  
Champaign, IL 61821  
(217)333-7887 (Work)  
kesan@illinois.edu  
<http://www.jaykesan.com>

## ACADEMIC WORK EXPERIENCE:

### University of Illinois at Urbana-Champaign

Professor & Director, Program in Intellectual Property & Technology Law	2004-Present
Mildred Van Voorhis Jones Faculty Scholar	2007-2009
Faculty Fellow, Office of the Vice President for Technology & Economic Development	2009-2010
Professor & Group Leader, Business, Economics and Law of Genomic Biology (BioBEL) research theme, Institute of Genomic Biology (IGB)	2006-Present
Program Leader, Biofuel Law & Regulation, Energy Biosciences Institute (EBI)	2007-Present
Research Professor, Coordinated Science Laboratory	2003-Present
Affiliate Professor, Department of Electrical & Computer Engineering	1999-Present
Professor, College of Business	2008-Present
Professor, Agricultural & Consumer Economics	2004-Present
Associate Professor, College of Law and the Institute of Government & Public Affairs (IGPA)	2002-2004
Assistant Professor, College of Law	1998-2002
Assistant Professor, Institute of Government & Public Affairs (IGPA)	1999-2002
<u>Subjects Taught:</u> Property; Intellectual Property; Patent Law; Managing Intellectual Property; Law of Renewable Energy; Law & Regulation of Cyberspace; Law & Economics; Theoretical Foundations of Intellectual Property; Legal Issues in Technology Entrepreneurship	
<u>Areas of Interest:</u> Patent Law; Intellectual Property; Internet Law & Regulation; Biofuel Regulation; Empirical & Analytical Methods in the Law; Law and Economics; Agricultural Biotechnology Law	

### Seattle University School of Law

Visiting Professor of Law	Fall 2009
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### University of Illinois, USA – Oxford University, UK – University of Victoria, BC

Co-Director, Summer Study Abroad Program in International & Comparative Intellectual Property	Summer 2002- 2007
<u>Subjects Taught:</u> Int'l & Comparative Patent Law; IP Issues in Emerging Technologies	

### DePaul University College of Law

<b>Jerold Hosier Distinguished Visiting Chair in Intellectual Property</b>	Spring 2004
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### Georgetown University Law Center

Visiting Assistant Professor	Fall 2001
Subjects Taught: Patent Law; Theoretical Foundations of Intellectual Property	

### University of Illinois at Urbana-Champaign

Resident Associate, Center for Advanced Study (CAS)	2000-2001
Co-organizer of year-long seminar series on “The University’s Changing Role: Defining Values for Research & Technology”	

### University of Tokyo, Japan

JSPS Invited Fellow and Visiting Associate Professor	Dec. 2000-Jan. 2001
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### University of Washington, Seattle

Fellow, CASRIP Intellectual Property Summer Institute	July 2000
Invited Faculty	July 2001-04

**Institute of Intellectual Property (IIP), Tokyo, Japan**  
Invited Foreign Research Fellow

Nov.-Dec. 2003

## **LEGAL & SCIENTIFIC WORK EXPERIENCE:**

### **Legal and/or Technical Expert & Consultant**

1998-Present

Served as Technical Expert and/or Patent Law Expert or Co-Counsel in numerous patent litigations;

Technical expert in microelectronics, optoelectronics, nanotechnology, and software;  
Appointed by U.S. federal judges as Special Master in patent litigations;  
Served on the Board of Directors/Advisors of technology start-ups.

### **Pennie & Edmonds LLP, Washington, DC**

1993-1997

Associate Attorney (1996-97); Patent Agent & Law Clerk (1993-96)

Patent and Trademark Litigation: Oral hearings; preparation of memoranda/motions and discovery requests; depositions; preparation of infringement and validity opinions.  
Patent Prosecution: Preparation and prosecution of several hundred U.S. and PCT patent applications in a variety of technologies, including computer software and hardware.

### **Law Clerk to the Hon. Patrick E. Higginbotham, Dallas, TX**

1997-1998

U.S. Circuit Judge, U.S. Court of Appeals for the Fifth Circuit

### **IBM T.J. Watson Research Center, Yorktown Heights, NY**

1989-1993

Research Staff Scientist (1990-93); Post-Doctoral Associate (1989-90)

### **Massachusetts Institute of Technology, Cambridge, MA (concurrent with IBM)**

1990-1993

Visiting Scientist, National Magnet Laboratory

### **Columbia University, New York, NY (concurrent with IBM)**

1989-1993

Thesis Supervisor of Doctoral Students

## **EDUCATION:**

### **Georgetown University Law Center, Washington, DC**

**J.D.**, December 1996, *summa cum laude* (2 conferred out of 623 graduates)

GPA: 11.59/12.0

Honors: Charles A. Keigwin Award for Academic Excellence

Order of the Coif; Dean's List All Years

Best Paper Awards in Criminal Justice, Constitutional Law and Commercial Law

Law Review: *The Georgetown Law Journal*, Associate Editor

### **Hebrew University, Faculty of Law, Jerusalem, Israel**

Tulane/Cardozo Uri & Caroline Bauer Program, August 1996

Studied religious, international and comparative law

GPA: 3.89/4.0

### **University of Texas at Austin, Austin, TX**

**Ph.D.** in Electrical & Computer Engineering, 1989

**M.S.** in Electrical & Computer Engineering, 1986

GPA: 3.86/4.0

Honors: Commendation from the Dean of the Graduate School for Outstanding Doctoral Dissertation

## **National Institute of Technology, Karnataka (NITK)**

Surathkal, India

**B.S.** in Electrical Engineering, Highest Honors, 1984

## **BAR AND COURT ADMISSIONS:**

U.S. Patent & Trademark Office (1993 - Reg. No. 37,488); Virginia (1997); District of Columbia (1998); Fourth Circuit; Fifth Circuit; Federal Circuit; U.S. Dist. Court, Eastern Dist. of VA; Sup. Ct. of VA

## **HONORS AND AWARDS:**

- Best Paper Award, for paper on an Empirical Examination of Open Standards Development (with R. Shah), 41<sup>st</sup> Hawaii International Conference on System Sciences (HICSS), Jan. 9, 2008, Manoa, Hawaii
- Best Paper Award, for paper on an Empirical Study of Open Standards (with R. Shah) published in the Proceedings of the 8th Annual International Conference on Digital Government Research, May 21-23, 2007, Philadelphia, PA
- 2006 IBM Faculty Award (unrestricted award--\$25,000)
- Appointed Special Master by federal judges in patent litigation cases
- Invited Fellow, University of Washington, Seattle, Center for Advanced Study and Research in Intellectual Property (CASRIP), Summer 2000; Invited Instructor, July 2001-July 2004
- Invited Foreign Research Fellow, Institute of Intellectual Property (IIP), Tokyo, Japan, Nov.-Dec. 2003
- METI/JSPS Invited Fellow and Visiting Professor, University of Tokyo, Japan, Dec. 2000 - Jan. 2001
- Resident Associate, Center for Advanced Study (CAS), University of Illinois, 2000-2001
- Recipient of the 1995-96 H. Thomas Austern National Legal Writing Competition Award (\$1,000)
- Holder of 5 U.S. patents and several other patents world-wide
- Recipient of 2 IBM Invention Achievement Awards, 1990-1992
- Invited Editor of a special issue of the *Journal of Vacuum Science and Technology B* (published by the American Vacuum Society), Mar./Apr. 1992
- Microelectronics and Computer Technology Corporation (MCC) Award for Graduate Research Excellence, 1989
- Recipient of a Joint Services Electronics Program Assistantship for graduate study, 1985-1989
- Best Student Paper Award at the 1988 Electronic Materials Conference, Boulder, CO

## **RESEARCH GRANTS:**

- University of Illinois Campus Research Board Grant, "Patents As Incomplete Contracts," \$13,000 (1999)
- University of Illinois Campus Research Board Scholar's Travel Grant (2000)
- The Net Institute, "Internet Regulation: The Political Economy of ICANN and the Shaping of New Regulatory Regimes for the Internet," (with A. Gallo), \$15,000 (2003)
- National Science Foundation (NSF) Grant, "Understanding 'Code': How Information Technologies Regulate Behavior," \$300,000 (2000-2004)
- U.S. Department of Agriculture, Illinois-Missouri Biotechnology Alliance, "The Role and Function of the Patent System in Industrialized Agriculture: Innovation and Rent-sharing in Corn and Soybean Supply Chains," \$210,000 (2001-2004)
- Coleman Foundation Grant, "Development of Online Course on Legal Issues in Technology Entrepreneurship," \$14,000 (2001-2002)
- U.S. Department of Agriculture, Illinois-Missouri Biotechnology Alliance, Supplementary Research Grant, "Improving Efficiency and Minimizing Adverse Selection in Seed Production Contracts," \$120,000 (2003-2005)
- U.S. Department of Agriculture, Soybean Disease Biotechnology Center, "Understanding the Role of Intellectual Property in Soybean Innovation," \$150,000 (2003-2006)
- U.S. Department of Agriculture, Soybean Disease Biotechnology Center, "Empirical Studies of Patent Litigation and Ag-Biotech Innovation," \$100,000 (2005-2008)

- National Science Foundation (NSF) Grant, "Governing with Information Technologies," \$395,155 (2004-2007) Supplemental Funding, \$76,190 (2007-2008)
- U.S. Department of Agriculture, Soybean Disease Biotechnology Center, "Plant Innovation and Intellectual Property Regimes: Time for a Change?," with B. Endres, \$60,314 (2007-2008)
- U.S. Department of Agriculture, Soybean Disease Biotechnology Center, "Evolving Biodiesel Markets: Opportunities and Challenges for Small/Medium-sized Biodiesel Firms" with R. Agarwal, \$40,000 (2007-2008)
- Federal Judicial Center, The Research Arm of the Federal Courts, "Empirical Study of the Role of Special Masters in Patent Litigation, \$20,000 (2007-2008)
- Energy Biosciences Institute, "Biofuel Law and Regulation," with B. Endres, \$510,000 (2008-2010)
- National Science Foundation (NSF) Grant, "REGNET-Information Management and Compliance Assistance for Patent Laws and Regulations," \$200,000 (2008-2011)

**LAW REVIEW PUBLICATIONS:** (all publications can be found on the Social Science Research Network at <http://www.ssrn.com>)

1. *Prisoners' Substantive Rights* (revised and updated), 24th Annual Review of Criminal Procedure, 83 GEO. L.J. 1461 (1995) (with S.L. Teicher).

2. *An Autopsy of Scientific Evidence in a Post-Daubert World*, 84 GEO. L.J. 1985 (1996).  
Cited extensively in the law reviews and by several State Supreme Courts including Alabama, Alaska, Connecticut, Nebraska and Oregon when deciding the admissibility of scientific evidence.

3. *A Critical Examination of the Post-Daubert Scientific Evidence Landscape*, 52 FOOD & DRUG L.J. 225 (1997) (Winner of the 1995-96 H. Thomas Austern National Legal Writing Competition).

4. *Encouraging Firms to Police Themselves: Strategic Prescriptions to Promote Corporate Self-Auditing*, 2000 U. ILL. L. REV. 155 (2000) (solicited symposium article).  
Listed in the Top 10 Most Read Articles in the Environmental Law & Policy database in the Social Science Research Network between Mar. and May 2001.

5. *Patents As Incomplete Contracts: Aligning Incentives for R&D Investment with Incentives to Disclose Prior Art*, with M. Banik, 2 WASH. U. J. OF L. & POL'Y 23 (2000) (solicited Patent Law symposium article).  
Listed in the Top 10 Most Read Articles in the Intellectual Property database in the Social Science Research Network between Mar. and May 2001.

6. *Fool Us Once Shame On You - Fool Us Twice Same On Us: What We Can Learn from the Privatizations of the Internet Backbone Network and the Domain Name System*, with R. Shah, 79 WASH. UNIV. L.Q. 89 (2001) .  
Listed in the Top 10 Most Read Articles in the Legal Scholarship Network in the Social Science Research Network; The Most Read Article in the Law & Economics database and the Cyberspace Law database between Mar. and May 2001.

7. *Foreword to the Symposium: Intellectual Property Challenges in the Next Century*, with T. Ulen, 2001 U. ILL. L. REV. 57 (2001).

8. *Cyber-Working or Cyber-Shirking? A First Principles Examination of Electronic Privacy in the Workplace*, 54 FLA. L. REV. 289 (2002).

9. *Carrots and Sticks to Create a Better Patent System*, 17 BERKELEY TECH. L.J. 763 (2002) (Invited contribution to Symposium on Patent System Reform).

10. *U.S. Plant Variety Protection: Sound and Fury...*, with M. Janis, 39 HOUS. L. REV. 727 (2002) (Invited contribution to Symposium on The Future of Patent Law).

11. *Private Internet Governance*, 35 LOY. U. CHI. L.J. 87 (2003) (Invited contribution to Symposium on Technology and Governance: How the Internet has Changed Our Conception of Governance and Institutions).

12. *What Do Patents Purchase?: In Search of Optimal Ignorance in the Patent Office*, with S. Ghosh, 40 HOUS. L. REV. 1219 (2004).
13. *Optimizing Regulation of Electronic Commerce*, with A. Gallo, 72 U. CIN. L. REV. 1497 (2004).
14. *Deconstructing Code*, with R. Shah, 6 YALE J. L. & TECH. 277 (2004).
15. *Shaping Code*, with R. Shah, 18 HARV. J. L. & TECH. 319 (2005).
16. *The Market for Private Dispute Resolution Services: An Empirical Re-Assessment of ICANN/UDRP Performance*, with A. Gallo, 11 MICH. TELECOMM. & TECH. L. REV. 285 (2005).
17. *Why Do 'Bad' Patents Survive in the Market and How Should We Change? The Private and Social Costs of Patents*, with A. Gallo, 55 EMORY L.J. 61 (2006).
18. *Property Rights Legislation in Agricultural Biotechnology: United States and Argentina*, with A. Gallo, 7 MINN. J. L. SCI. & TECH. 565 (May 2006) (invited contribution).
19. *Licensing Restrictions and Appropriating Market Benefits from Plant Innovation*, 16 Fordham Intellectual Property, Media & Entertainment L.J. 1081 (2006) (symposium piece).
20. *How Are Patent Cases Resolved? An Empirical Examination of the Adjudication and Settlement of Patent Disputes*, with G. Ball, 84 WASH. UNIV. L. REV. 237 (formerly Washington University Law Quarterly) (2006).  
This article was among the Top 5 Most Downloaded Articles in All Fields on SSRN. It has now been downloaded over 2500 times.
21. *Setting Software Defaults: Perspectives from Law, Computer Science and Behavioral Economics*, with R. Shah, 82 NOTRE DAME L. REV. 583 (2006).
22. *The Political Economy of the Patent System*, with A. Gallo, 87 N.C. L. REV. 1341 (symposium issue) (2009).
23. *Transferring Innovation*, 77 FORDHAM L. REV. 2169 (symposium issue) (2009).
24. *Is There a Case For a Specialized Patent Trial Court? An Empirical Analysis of Efficiency and Accuracy*, draft available, to be submitted to the law reviews, Spring 2010.
25. *"Mastering" Patent Law: The Role and Impact of Special Masters in Patent Litigation*, draft available, to be submitted to the law reviews, 2010.

**PEER-REVIEWED LEGAL PUBLICATIONS:** (all publications can be found on the Social Science Research Network at <http://www.ssrn.com>)

1. *The Relationship Between Intellectual Property Protection and Biotechnology – A Multi-Disciplinary Perspective*, 44 AMERICAN BEHAVIORAL SCIENTIST 464 (Nov. 2000) (Invited paper).
2. *Designing an Optimal Intellectual Property System for Plants: A U.S. Supreme Court Debate*, with M. Janis, 19 NATURE BIOTECHNOLOGY 981 (2001).
3. *Intellectual Property Protection for Plant Innovation: Unresolved Issues After J.E.M. v. Pioneer*, with M. Janis, 20 NATURE BIOTECHNOLOGY 1161 (2002).
4. *Incorporating Societal Concerns into Communication Technologies*, with R. Shah, IEEE TECHNOLOGY & SOCIETY 28 (Summer 2003).
5. *Manipulating the Governance Characteristics of Code*, with R. Shah, INFO 5.4, 3-9 (2003).
6. *Nurturing Software: How Societal Institutions Shape the Development of Software*, with R. Shah, 48

COMMUNICATIONS OF THE ACM 80 (Sept. 2005).

7. *Property Rights and Incentives to Invest in Seed Varieties: Governmental Regulations in Argentina*, with A. Gallo, *AGBIOFORUM*, vol. 8, pp. 118-126 (2005).

8. *Why are the United States and the European Union Failing to Regulate Electronic Commerce Efficiently? Going Beyond the Bottom-Up and Top-Down Regulatory Alternatives*, with A. Gallo, *EURO. J. OF L. & ECON.*, vol. 21, no. 3, pp. 237-266 (May 2006).

9. *The Privatization of the Internet's Backbone Network*, with R. Shah, *J. OF BROADCASTING & ELECTRONIC MEDIA*, vol. 51, no. 1, pp. 93-109 (2007).

10. *How Architecture Regulates*, with R. Shah, *J. OF ARCHITECTURAL & PLANNING RESEARCH*, vol. 24, no. 4, pp. 350-359 (2007).

11. *Pondering the Politics of Private Procedures: The Case of ICANN*, with A. Gallo, *I/S: A JOURNAL OF LAW AND POLICY FOR THE INFORMATION SOCIETY*, vol. 4, no. 1, pp. 345-408 (2008).

12. *Setting Online Policy With Software Defaults*, with R. Shah, *INFORMATION, COMMUNICATION, AND SOCIETY*, vol. 11, no. 7, pp. 989-1007 (Oct. 2008).

13. *Lessons for Government Adoption of Open Standards: A Case Study of the Massachusetts Policy*, with R. Shah and A. Kennis, *JOURNAL OF INFORMATION TECHNOLOGY & POLITICS*, vol. 5, no. 4, pp. 387-398 (2008).

14. *Recipes for Cookies: How Institutions Shape Communication Technologies*, with R. Shah, *NEW MEDIA & SOCIETY*, vol. 11, no. 3, pp. 315-336 (2009).

15. *Running Code as Part of an Open Standards Policy*, with R. Shah, *FIRST MONDAY*, vol. 14, no. 6, 1 June 2009.

16. *Lost in Translation: Interoperability Issues for Open Standards--ODF and OOXML as Examples*, draft available, posted on SSRN, <http://www.ssrn.com>.

## **BOOKS:**

1. Alces, Frisch, Kesan, and See, **THE COMMERCIAL LAW OF INTELLECTUAL PROPERTY**, Aspen Publishing Co., 2003-2010 Cumm. Supp. (treatise).

2. Ghosh, Gruner, and Kesan, **INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS**, with Teacher's Manual, Lexis-Nexis Publishing Co. (2006) (casebook).

This is a unique and first-of-its-kind casebook that deals with all the legal, intellectual property problems faced by firms of all sizes from a start-up to a publicly traded company. Unlike all other IP books, that only address the acquisition and enforcement of IP rights, this casebook deals with all the transactional and commercial legal issues related to IP.

3. Greenough, McConaughay and Kesan (ed.), **DEFINING VALUES FOR RESEARCH AND TECHNOLOGY**, Rowman & Littlefield Publishing (Fall 2006).

4. Ghosh, Gruner, Kesan and Reis, **INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY**, with Teacher's Manual, West Publishing Co. (2007) (casebook).

As intellectual property is increasingly being taken by law students with an interest in private law, there are introduction to intellectual property survey courses being offered by most law schools. This casebook by West is designed to address that need.

5. Kesan, Jay (ed.), **AGRICULTURAL BIOTECHNOLOGY AND INTELLECTUAL PROPERTY: SEEDS OF CHANGE**, CABI Publishing Co., Oxford (2007).

## BOOK CHAPTERS:

1. *Internet Service Provider Liability in the Digital Millennium Copyright Act*, in **TRANSNATIONAL CYBERSPACE LAW** (Makoto Ibusuki, ed., Japanese edition -- Nippon Hyoron-sha 2000; English edition -- Hart Publishing 2001).
2. *Personal Jurisdiction in Cyberspace*, in Online Casebook on Cyberspace Law at <http://www.cyberspacelaw.org>.
3. *History of Civil Rights in Ohio*, in **CIVIL RIGHTS IN THE UNITED STATES** (Waldo E. Martin, Jr. & Patricia Sullivan eds., Macmillan 2000) (encyclopedia article).
4. *A 'First Principles' Examination of Electronic Privacy in the Workplace*, in **ON-LINE RIGHTS FOR EMPLOYEES IN THE INFORMATION SOCIETY** (Roger Blanpain ed., Kluwer Int'l 2002).
5. *A Tiger By The Tail: The Law Contends with Science and Technology in America*, in **SCIENCE & LAW FROM A COMPARATIVE PERSPECTIVE** (G. Comandé & G. Ponzanelli, eds., G. Giappichelli, Torino 2004).
6. *Cybercrimes and Cyber-Attack: Technological, Economic and Law-Based Solutions*, with R.P. Majuca, in **CYBERCRIME & SECURITY** (P.C. Reich, ed., Oceana Publications, Inc., 2005).
7. *The Statutory Toolbox: Plants*, in **INTELLECTUAL PROPERTY MANAGEMENT IN HEALTH AND AGRICULTURAL INNOVATION: A HANDBOOK OF BEST PRACTICES** (A. Krattiger *et al.*, eds., MIHR, Oxford, UK 2007).
8. *Taking Stock of the U.S. Patent System*, in **INTELLECTUAL PROPERTY AND INFORMATION WEALTH, VOLUME TWO: PATENTS AND TRADE SECRETS** (P.K. Yu, ed., Praeger 2007), pp. 227-248.
9. *Improving Access to Government Information with Open Standards for Document Formats*, with R. Shah, in **HANDBOOK OF RESEARCH ON ICT ENABLED TRANSFORMATIONAL GOVERNMENT: A GLOBAL PERSPECTIVE** (V. Weerakkody, M. Janssen, and Y.K. Dwivedi, eds., IGI Global 2009), pp. 163-174.
10. *"Taking Stock and Looking Ahead: The Future of U.S. Patent Law,"* Book Chapter in "The Future of the Patent System," Edited Volume Commemorating the 20th Anniversary of the Institute of Intellectual Property (IIP), Tokyo, Japan, 2009.
11. *Software as Governance*, with R. Shah, in **ELECTRONIC GOVERNMENT: INFORMATION TECHNOLOGY, AND TRANSFORMATION, ADVANCES IN MANAGEMENT INFORMATION SYSTEMS** (ed. J. Scholl), forthcoming.

## SCIENTIFIC PUBLICATIONS & PATENTS: (complete list of publications available upon request)

- Book Chapter: *Elemental Semiconductor Heterostructures-Growth, Properties and Applications*, in **MOLECULAR BEAM EPITAXY: APPLICATIONS TO KEY MATERIALS**, (R.F.C. Farrow ed., Noyce Publications, NJ 1995)
- Published over 40 papers in several peer-reviewed scientific journals
- Scientific contributions featured in *The Wall Street Journal*, *Electronic Engineering Times*, *Lasers and Optronics*, and other technical publications
- Presented over 15 invited talks and 40 contributed talks at international conferences and universities world-wide
- Holder of 5 U.S. patents and many more granted world wide

## GOVERNMENT TESTIMONY:

"Toward a Better Informed Patent Office," Presented testimony and participated twice in panels at the FTC & DOJ Hearings on the Implications of Competition and Patent Law and Policy, <http://www.ftc.gov/opp/intellect/index.htm>, April 10, 2002, & October 25, 2002, Washington, D.C.

## **CONFERENCES & SYMPOSIA PRESENTATIONS:**

“Making the Regulated Regulate: Prescriptions to Cultivate Environmental Self-Auditing,” Symposium on Innovations in Environmental Policy, April 16, 1999, University of Illinois at Urbana-Champaign, Champaign, Illinois (symposium article published in the U. ILL. L. REV.).

“The Relationship Between Patents and R&D Investment: Biotechnology Patents as Incomplete Contracts,” NE-165 Conference Proceedings on Transitions in AgBiotech: Economics of Strategy and Policy, June 24-25, 1999, Washington DC.

“Patents As Incomplete Contracts: Aligning Incentives for R&D Investment with Incentives to Disclose Prior Art,” 2000 Heart of America Patent Law and Policy Conference, Re-engineering Patent Law: The Challenge of New Technologies, Mar. 31 - Apr. 1, 2000, Washington University School of Law, St. Louis, MO (symposium article published by the WASH. UNIV. J. OF L. & POL’Y).

“Patently Appropriate or Patently Absurd: The Patenting of Software Implementations of Business Methods on the Internet,” 2000 Patent and Intellectual Property Summer Institute, University of Washington, July 24-28, 2000, Seattle, Washington.

Commentator, GWU-Oracle Conference on E-Commerce & E-Quivalence: Defining the Proper Scope of Internet Patents, George Washington University Law School, Oct. 27, 2000, Washington, DC.

“A First Principles Examination of Electronic Privacy in the Workplace,” Conference on Online Rights for Online Workers in the Information Society – Use of E-mail and Internet at Work, Nov. 13, 2000, Brussels, Belgium.

“Business Method Patents: Current Status and Future Recommendations,” 2000 Tokyo Internet Law Forum, Dec. 18, 2000, Tokyo, Japan.

“A Bird’s Eye View of Intellectual Property Protection for IT and E-Commerce Developments in India,” Symposium on Information Technology in South Asia, the Middle East and Latin America: Progress, Problems, and Prospects, University of Illinois, April 28, 2000, Urbana, Illinois.

“Getting it Right at the Outset: Granting Patents Commensurate with Innovation,” First Annual IP Scholars Conference, DePaul University College of Law, Aug. 9-10, 2001, Chicago, Illinois.

“The Role of Institutions in the Design of Communication Technologies,” with R. Shah, Internet Research 2.0, Second Int’l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 10-14, 2001, Minnesota, Minneapolis.

“The Role of Institutions in the Design of Communication Technologies,” with R. Shah, 29th Research Conference on Communication, Information and Internet Policy (TPRC), Oct. 27-29, 2001, Alexandria, Virginia.

“Culture Clash or Marriage Made in Heaven: Information Technology and Legal Education in the U.S.,” Kagoshima Conference on Information Technology and Legal Education, Nov. 3, 2001, Kagoshima, Japan (invited keynote address).

Speaker and Panelist, Conference on Biotechnology R&D Policy, Food & Agriculture Committee, National Policy Association (NPA), Nov. 28, 2001, Washington, DC.

“Carrots and Sticks to Create a Better Patent System,” Conference on Patent System Reform, Feb. 28-Mar. 2, 2002, UC-Berkeley, California (symposium article published in the BERKELEY TECH. L.J.).

Commentator, GWU-Oracle-ANSI Conference on Patents and Standards-Setting, George Washington University Law School, Apr. 19, 2002, Washington, DC.

“U.S. Plant Variety Protection: Sound and Fury...,” with M. Janis, Symposium on the Future of Patent Law, University of Houston, May 31, 2002, Santa Fe, New Mexico (symposium article published in the HOUS. L. REV.).

"Incorporating Societal Concerns into Communication Technologies," with R. Shah, Int'l Symposium on Technology and Society, June 6-8, 2002, Raleigh, North Carolina.

Speaker and Panelist, Panel on the Implications of *Festo v. Shoketsu*, Fourth Federal Circuit Bench and Bar Conference, June 29, 2002, San Diego, California.

"Intellectual Property and Plant Innovation," National Academy of Sciences, Board on Science, Technology and Economic Policy, Sept. 27, 2002, Washington, DC.

"Governance Characteristics of "Code": The Role of Transparency, Defaults and Standards," with R. Shah, 30th Research Conference on Communication, Information and Internet Policy (TPRC), Sept. 27-29, 2002, Alexandria, VA.

"Neither Bottom-Up Nor Top-Down: A Tacit Public-Private Cooperative Solution for Internet Regulation," with A. Gallo, 30th Research Conference on Communication, Information and Internet Policy (TPRC), Sept. 27-29, 2002, Alexandria, VA.

"Privatization of the Internet's Backbone Network," with R. Shah, Internet Research 3.0, Third Int'l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 14-16, 2002, Maastricht, Netherlands.

"Shaping the Development of Information Technologies to Address Societal Concerns," with R. Shah, Internet Research 3.0, Third Int'l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 14-16, 2002, Maastricht, Netherlands.

"Intellectual Property and Plant Innovation," 2002 ATRIP (International Association for the Advancement of Teaching and Research in Intellectual Property Teaching) Congress, October 6-8, 2002, New Delhi, India.

"The Role of the Open Source Movement in the Development of Communication Technologies," with R. Shah, presented at the National Communication Association Conference, Nov. 21, 2002, New Orleans.

"Internet Markets: Promises and Pitfalls," EU's GoDigital Conference: Chance for Business, Challenge for Law, Nov. 22-24, Salerno, Italy.

Speaker and Panelist, Conference on E-Rulemaking: New Directions for Technology and Regulation, Harvard University Kennedy School of Government, Jan. 21-22, 2003, Cambridge, Massachusetts.

Speaker and Panelist, "Never Take Away a Man's Rice Bowl: The Ethics of Acquiring Patent or Trade Secret Ownership of Staple Food Genomes," ABA Mid-Year Meeting, Feb. 7, 2003, Seattle, Washington.

"IP Protection for Plant Innovation: What *J.E.M. v. Pioneer* Did Not Resolve," NC-1003 Conference on Intellectual Property and Agricultural Research: Implications for Public and Private Sectors, Feb. 28-Mar. 1, 2003, New Brunswick, New Jersey.

"Private Internet Governance," Law Journal Conference on Technology and Governance: How the Internet Has Changed Our Conceptions of Governance and Institutions, Loyola University, Mar. 21-22, 2003, Chicago, Illinois.

Commentator on Justin Hughes' paper, "Database Protection and the Proper Posture of the Academe in the Face of Changing Laws," 4th Annual DePaul Symposium on Ownership and Control in the Academic World: IP Issues Facing Colleges, Universities, and Researchers, DePaul University College of Law, Apr. 3, 2003, Chicago, Illinois.

"An Introduction to Law and Economics," University of Salerno Faculty of Law, May 21, 2003, Salerno, Italy.

"A Tiger by the Tail? The Law Contends With Science and Technology in America," Conference on Science and Law Seen Through the Prism of Comparative Law, Suola Superiore Santa Anna, May 22-24, 2003, Pisa Italy.

Speaker and Panelist at "Workshop on Future Public Policy and Ethical Issues Facing the Biotechnology Industry," organized by the University of Maryland School of Law and the U.S. Department of Energy, Sept. 12, 2003, Baltimore, Maryland.

“Imperfect Competition in Internet Markets: The Role of Network Effects in Determining Market Structure,” with A. Gallo, 31st Research Conference on Telecommunication, Information and Internet Policy (TPRC), Sept. 20-21, 2003, Arlington, Virginia.

“Intellectual Property and GMOs,” International Conference on Agricultural Science and Technology (ICAST), Oct. 12-15, 2003, Houston, Texas.

“Manipulating Code: How Society Can Utilize Code as a Regulatory Mechanism,” with R. Shah, Internet Research 4.0, Fourth Int’l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 16-19, 2003, Toronto, Canada.

“The Construction of Regulatory Regimes for the Internet: ICANN Politics or the Transition to an International Political Organization,” with A. Gallo, Internet Research 4.0, Fourth Int’l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 16-19, 2003, Toronto, Canada.

Commentator on Daehwan Koo’s paper, “Business Method Patents,” Conf. on Telecommunications & IP: U.S. and Korea, Jan. 29-31, 2004, Honolulu, Hawaii.

“A Bird’s Eye View of E-Government and Its Implications,” LNCC—National Laboratory for Scientific Computing, Feb. 1-3, 2004, Petropolis, Brazil.

“The Private and Social Costs of Bad Patents: Why Bad Patents Survive in the Market and How Should We Change?” First Annual Intellectual Property & Communications Law and Policy Conference, Michigan State University College of Law, Feb. 20-21, 2004, East Lansing, Michigan.

“The Economic Case for Cyberinsurance,” with R. Majuca and W. Yurcik, Conf. on Securing Privacy in the Internet Age, Stanford University School of Law, Mar. 13-14, 2004, Palo Alto, California.

“Seed Production Contracts under Asymmetric Information: A Challenge for the Enforcement of IP Rights,” with S. Umeno, Symposium: Seeds of Change—Intellectual Property Protection for Agricultural Biotechnology, UIUC, Apr. 8-10, 2004, Champaign, Illinois.

“Insecure Property Rights and Plant Varieties: The Effect on the Market for Seeds and Farmers in Argentina,” with A. Gallo, Symposium: Seeds of Change—Intellectual Property Protection for Agricultural Biotechnology, UIUC, Apr. 8-10, 2004, Champaign, Illinois.

“The Proposed Sentencing Guidelines: Self-Auditing, Privileges, Mitigation and Admissibility,” with B. Mishra, Wake Forest Law Review Business Law Symposium on Organizational Sentencing, Apr. 16, 2004, Greensboro, North Carolina.

Moderator, Panel on “The Rise of China and Its Implications for Development,” in Symp. on Law & Economic Development in East Asia, Univ. of Illinois College of Law, Apr. 17, 2004, Champaign, Illinois.

“Is Their Grass Greener?: A Comparative Appraisal of Patent Invalidation Processes in Japan and the U.S.,” Symp. on Japanese Law: Current Issues and Controversies, Univ. of Illinois College of Law, Apr. 30, 2004, Champaign, Illinois.

“Innovation Networks,” Understanding Complex Systems Symp., Univ. of Illinois, May 17-20, 2004, Champaign, Illinois.

“Theorizing Regulation Through Code: A Recursive, Regulatory Model for Technology,” with R. Shah, Law & Society Annual Meeting, May 27-30, 2004, Chicago, Illinois.

“Why Do Bad Patents Survive in the Market and How Should We Change? The Private and Social Costs of Patents,” Law & Society Annual Meeting, May 27-30, 2004, Chicago, Illinois.

“Obsolescence of Utility Patents and R&D Risk in the Consolidated U.S. Seed Market,” with S. Umeno, Northeastern Agricultural and Resource Economics Association (NAREEA), Annual Meeting, June 20-23, 2004, Halifax, Nova Scotia.

“Obsolescence of Utility Patents and R&D Risk in the Consolidated U.S. Seed Market,” with S. Umeno, Western Agricultural Economics Association (WAEA), Annual Meeting, June 30-July 2, 2004, Honolulu, Hawaii.

“Sound and Movie Recording Industries and the Internet: The Current U.S. Position,” International Intellectual Property Law Conference, July 16-17, 2004, Vancouver, Canada.

“An Empirical Re-Appraisal of ICANN/UDRP Decisions,” with A. Gallo, The 4th Annual Intellectual Property Scholars Conference, Aug. 2-3, 2004, Chicago, Illinois.

“Recent Developments in Intellectual Property Protection for Soybean Innovation—Law and Public Policy,” 10th Biennial Conf. on the Cellular and Molecular Biology of the Soybean, Aug. 8-11, 2004, Columbia, Missouri.

“Adjudication and Settlement of Patent Disputes—An Empirical Study,” with G. Ball, Works-In-Progress Intellectual Property Colloquium, Sept. 10, 2004, Boston, Massachusetts.

“Theorizing Code: An Recursive Regulatory Model for Code,” with R. Shah, Internet Research 5.0, Fifth Int’l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 19-22, 2004, Sussex, UK.

“An Empirical Reappraisal of ICANN/UDRP Performance,” with A. Gallo, Internet Research 5.0, Fifth Int’l Conf. of the Assoc. of Internet Researchers (AoIR), Oct. 19-22, 2004, Sussex, UK.

“Adjudication and Settlement of Patent Disputes—An Empirical Study,” with G. Ball, 11th Conf. of Asian Pacific American Law Faculty, Michigan State University College of Law, Sept. 24-25, 2004, East Lansing, Michigan.

“Old Wine in a New Bottle: RFIDs and Cookies,” with R. Shah, 32nd Research Conference on Telecommunication, Information and Internet Policy (TPRC), Oct. 1-3, 2004, Arlington, Virginia.

“Adjudication and Settlement of Patent Disputes—An Empirical Study,” with G. Ball, 4th Annual Midwest Law and Economics Association Meeting, University of Iowa College of Law, Oct. 8-9, 2004, Iowa City, Iowa.

“Nanotechnology: Insights from Near and Afar,” Conference on Nanotechnology: Innovation, Opportunity and Commercialization, Rensselaer Polytechnic Institute, Nov. 15-16, 2004, Troy, New York (Invited Talk).

Participant in Panel Discussion, Innovation and Dynamic Efficiency in Agricultural Biotechnology, Economic Research Service—USDA, Oct. 14-15, 2004, Washington, D.C.

“Adjudication and Settlement of Patent Disputes—An Empirical Study of Court Decisions,” Second Annual Intellectual Property & Communications Law and Policy Conference, Michigan State University College of Law, Feb. 19-19, 2005, East Lansing, Michigan.

“Granting Patents Commensurate With Innovation,” Invited Contribution to Symposium on Law and the Information Society, Apr. 7-8, 2005, New York, New York (to be published in *FORDHAM L. REV.*).

“Tech-Transfer Offices As Intermediaries (On Their Own Terms),” Invited Talk, *W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age*, Michigan State University College of Law, April 8-9, 2005, East Lansing, Michigan.

“The Market for Private Dispute Resolution Services: An Empirical Re-Assessment of ICANN/UDRP Performance,” 15th Annual Law and Economics Association Meeting, New York University, May 6-7, 2005, New York, New York.

“Governance Characteristics of Information Technology,” with R. Shah, 6th Nat’l Conf. on Digital Govt. Research, May 16-18, 2005, Atlanta, Georgia.

“Governing with Information Technologies,” with R. Shah, Poster Presentation, 6th Nat’l Conf. on Digital Govt. Research, May 16-18, 2005, Atlanta, Georgia.

“Governing With Code,” Invited Talk, Int’l Conference on Governance, Regulations and Powers on the Internet (GRPI), May 27-28, 2005, Paris, France.

"An Empirical Study of the Characteristics of Dispositions in Patent Lawsuits," with G. Ball, Law & Society Annual Meeting, June 2-5, 2005, Las Vegas, Nevada.

"Analyzing the Governance Characteristics of Code," with R. Shah, Law & Society Annual Meeting, June 2-5, 2005, Las Vegas, Nevada.

"The Political Economy of the Patent System," with A. Gallo, 5th Annual Intellectual Property Scholars Conference, Aug. 11-12, 2005, New York, New York.

"Hacking Back: Optimal Use of Self-Defense in Cyberspace," with R. Majuca, Conf. on Safety and Security in a Networked World: Balancing Cyber-Rights & Responsibilities, Sept. 8-10, 2005, Oxford Internet Institute, Oxford, UK.

Commentator, Paper by Charles Adams, "A Brief History of Indirect Liability for Infringement of Patents," Conf. on Third Party Liability in Intellectual Property Law, Oct. 7, 2005, Santa Clara, California.

"The Patent System We Have Today and the Case for Patent Reform," Howard T. Markey Patent Law Symposium on "Innovation and Its Discontents: Patent Reform and Innovation Policy in the 21<sup>st</sup> Century," John Marshall Law School, Oct. 14, 2005, Chicago, Illinois.

"Insecure Property Rights and Plant Innovation: The Effect on the Market for Seeds in Argentina," with A. Gallo, 5th Annual Midwest Law and Economics Association Meeting, Northwestern University, Oct. 14-15, 2005, Chicago, Illinois.

Presenter and Panel Discussant, Conf. on Exploring the Limits: Recent Challenges to the Scope of IP Law, Fordham University, Nov. 18, 2005, New York, New York. Edited remarks to be published in the *Fordham Intellectual Property, Media and Entertainment Law Journal*, 2006.

"Hacking Back: Optimal Use of Self-Defense in Cyberspace," with R. Majuca, Conf. on Data Devolution: Corporate Information Security, Consumers and the Future of Regulation, University of Florida, Feb. 4, 2005, Gainesville, Florida.

Commentator on papers by Katherine Strandburg, "The Patent System as a Growing Network," and Gavin Clarkson, "Patent Informatics for Patent Thicket Detection," Symp. on Law in the Age of Networks: Implications of Network Science for Legal Analysis, University of Illinois College of Law, Mar. 10, 2006, Champaign, Illinois.

"The Market for Private Dispute Resolution Services: An Empirical Re-Assessment of ICANN/UDRP Performance," Faculty Seminar, Tokyo Institute of Technology, Mar. 22, 2006, Tokyo, Japan.

"Policy Through Software Defaults," with R. Shah, 7th Annual Int'l Conf. on Digital Government Research, May 22-24, 2006, San Diego, California.

"Governing with Information Technologies," with R. Shah, Poster Presentation, 7th Nat'l Conf. on Digital Govt. Research, May 22-24, 2006, San Diego, California.

Moderator, Panel on Crisis Management, 7th Annual Int'l Conf. on Digital Government Research, May 22-24, 2006, San Diego, California.

"Teaching Science in Intellectual Property Courses," AALS Workshop on Intellectual Property, June 14-15, 2006, Vancouver, Canada.

"Regulating with Software Defaults," with R. Shah, International Communication Association Annual Conf., Jul. 9, 2006, Baltimore, Maryland.

"Establishing Software Defaults," with R. Shah, 6th Annual Intellectual Property Scholars Conf., Aug. 10-11, 2006, Berkeley, CA.

"Setting Online Policy with Software Defaults," with R. Shah, iCS Symposium, Sept. 20, 2006, University of York, U.K.

“Patent ‘Reform’: Taking Stock,” IQPC Pharmaceutical/Biotech Patent Strategies Conf., Sept. 26-28, 2006, Philadelphia, PA.

“Setting Policy with Software Defaults,” with R. Shah, 7th Annual Meeting of the Association of Internet Researchers (AoIR), Sept. 30, 2006, Brisbane, Queensland, Australia.

“Why We Need Transaction Cost Engineering?,” Symp. on Patents and Diversity in Innovation, University of Michigan, Sept. 29-30, 2006, Ann Arbor, MI.

“Insecure Property Rights, R&D Investment and Plant Innovation: U.S. and Argentina,” with A. Gallo, 4th Annual Works-In-Progress in Intellectual Property Symp., Oct. 6-7, 2006, Pittsburgh, PA.

“Probabilistic Patents,” with M. Banik, Midwestern Law and Economics Association Meeting, University of Kansas, Oct. 20-21, 2006, Lawrence, KS.

“How Are Patent Cases Resolved? An Empirical Examination of the Adjudication and Settlement of Patent Disputes,” with G. Ball, First Conference on Empirical Legal Studies (CELS), University of Texas at Austin, Oct. 27-28, 2006, Austin, Texas.

“Asymmetric Bargaining Power Among Patent Litigants and their Influence on Case Outcomes: What is the Importance of the Nature of the Parties?,” with G. Ball, 28th Annual APPAM Research Conf., Nov. 2-4, 2006, Madison, WI.

“Property Rights, R&D Investment, and Plant Innovation: A Comparative Perspective,” Int’l Conference on Emerging Trends in Intellectual Property, National Law School, NALSAR, Dec. 15-16, 2006, Hyderabad, India.

“Patent Oppositions: The Devil Is In The Details,” Conference on Patent Reform, Ohio State University, Feb. 23, 2007, Columbus, OH.

“Patent Oppositions: The Devil Is In The Details,” 7th Annual CIPLIT Symp., DePaul University, Mar. 15-16, 2007, Chicago, IL.

“Nanotechnology Innovation: Two Aspects,” NSF-Sponsored Workshop on Nanotechnology and Society: The Organization and Policy of Innovation,” May 16-17, 2007, Amherst, MA.

“Open Standards and the Role of Politics,” with R. Shah, 8th Annual Int’l Conf. on Digital Government Research, May 21-23, 2007, Philadelphia, PA. **Winner of the Best Paper Award** for the best paper published in the conference proceedings.

“Influencing Communications Policy With Software Defaults,” with R. Shah, International Communication Association Annual Conf., May 28, 2007, San Francisco, CA.

“The Research Exemption (or Lack Thereof) in U.S. Patent Law,” 2007 ATRIP (International Association for the Advancement of Teaching and Research in Intellectual Property Teaching) Congress, July 16-18, 2007, Buenos Aires, Argentina.

“Setting Software Defaults,” with R. Shah, International Conference, Law & Society in the 21st Century, July 25-18, 2007, Humboldt University, Berlin, Germany.

“An Empirical Examination of Open Standards,” with R. Shah, 35th Annual Telecommunications Policy Research Conference (TPRC), Sept. 28-30, 2007, Arlington, VA.

“Government Policy Towards Open Standards: A Case Study on the Massachusetts Policy,” with R. Shah, 8th Annual Meeting of the Association of Internet Researchers (AoIR), Oct. 18, 2007, Vancouver, Canada.

“The Outcome of Patent Infringement Litigation: What is the Importance of the Nature of the Parties?” Poster Presentation, with G. Ball, Second Conference on Empirical Legal Studies (CELS), New York University, Nov. 9-10, 2007, New York, NY.

“Lessons for Open Standard Policies: A Case Study of the Massachusetts Experience,” with R. Shah and A. Kennis, International Conference on Theory and Practice of Electronic Governance (ICEGOV), Dec. 13, 2007, Macao, China.

“An Empirical Examination of Open Standards Development,” with R. Shah, 41<sup>st</sup> Hawaii International Conference on System Sciences (HICSS), Jan. 9, 2008, Manoa, Hawaii. **Winner of the Best Paper Award.**

“Governing with IT,” with R. Shah, Invited Presentation, 41<sup>st</sup> Hawaii International Conference on System Sciences (HICSS), Jan. 7, 2008, Manoa, Hawaii.

“Implementing Open Standards: A Case Study of the Massachusetts Open Formats Policy,” with R. Shah and A. Kennis, 9th Annual Int’l Conf. on Digital Government Research, May 20, 2008, Montreal, Canada.

“Saving the World from Microsoft’s DOC Format: How Governments Can Transition to Open Formats for Documents,” with R. Shah and A. Kennis, International Communication Association Annual Conf., May 23, 2008, Montreal, Canada.

“IPRs in the Global Context: Beyond the Producer-Consumer Dichotomy,” Conference on Innovation and Communication Law, University of Turku, Jul. 17-18, 2008, Finland.

“Transaction Costs and Trolls: Individual Inventors, Small Firms and Entrepreneurs in Patent Litigation,” with G. Ball, Annual Meeting of the Academy of Management (AOM), Aug. 11, 2008, Anaheim, California.

“Pondering the Politics of Private Procedures: The Case of ICANN,” Poster Presentation, with A. Gallo, Third Conference on Empirical Legal Studies (CELS), Cornell University, Sept. 12, 2008, Ithaca, New York.

“Evaluating the Interoperability of Software Implementations for Open Standards: ODF and OOXML As Examples,” with R. Shah, 36th Annual Telecommunications Policy Research Conference (TPRC), Sept. 27, 2008, Arlington, VA.

“The Political Economy of the Patent System” with A. Gallo, Symposium on Frontiers in Empirical Patent Law Scholarship, University of North Carolina, Oct. 2008, Chapel Hill, NC.

“Transferring Innovation,” Symposium: When Worlds Collide: Intellectual Property at the Interface between Systems of Knowledge Creation, Fordham University School of Law, Oct. 31-Nov. 1, 2008, New York, NY.

“Evaluating the Interoperability of Document Formats: ODF and OOXML as Examples,” with R. Shah, International Conference on Theory and Practice of Electronic Governance (ICEGOV), Dec. 1-4, 2008, Cairo, Egypt.

“Regulatory Strategies for Shaping Technology,” with R. Shah, TILTING Perspectives on Regulating Technologies, Tilburg University, Dec. 11, 2008, Tilburg, The Netherlands.

“An Empirical Examination of Open Standards Development,” with R. Shah, Global E-Government Research and Practice Symposium, Hawaii International Conference on System Sciences (HICSS), Jan. 5, 2009, Manoa, Hawaii. \*Invited Presentation\*.

“Running Code as Part of an Open Standards Policy,” with R. Shah, Hawaii International Conference on System Sciences (HICSS), Jan. 5-8, 2009, Manoa, Hawaii.

“The Political Economy of the Patent System,” with A. Gallo, 10<sup>th</sup> Annual Texas Intellectual Property Law Symposium, University of Texas, Feb. 6, 2009, Austin, TX.

“Transaction Costs and Trolls: Individual Inventors, Small Firms and Entrepreneurs in Patent Litigation,” with G. Ball, Kauffman Workshop on Technology Commercialization, Georgia Tech College of Management, Apr. 17-18, 2009, Atlanta, GA.

“Design Research: Does Policy Matter?,” 4<sup>th</sup> International Conference on Design Science Research in Information Systems and Technology, Pennsylvania State University, May 7-8, 2009, Malvern, PA.

"A Lost Promise: The Lack of Interoperability for Open Standard Document Formats," with R. Shah, International Communication Association Annual Conf., May 21-25, 2009, Chicago, IL.

"Incentivizing Second Generation Biofuels," with A. Ohyama, Second Summer Institute on Intellectual Property, Drake University, June 2, 2009, Des Moines, IA.

"A Study of the Role and Impact of Special Masters in Patent Cases," with G. Ball, Works-In-Progress in Intellectual Property (WIPIP), Seton Hall University School of Law, Oct. 2-3, 2009, Newark, NJ.

"An Economic Evaluation of the Renewable Fuel Standard (RFS) Biofuel Program: An Industrial Policy Approach" with A. Ohyama, The Ninth Annual Meeting of the Midwestern Law and Economics Association (MLEA), Notre Dame Law School, Oct. 9-10, 2009, South Bend, IN.

Discussant, Panel on "Laws of Creation: Property Rights in the World of Ideas," by Ronald Cass and Keith Hylton, Searle Center on Law, Regulation and Economic Growth, Northwestern University, Oct. 22-23, 2009, Chicago, IL.

Discussant, Panel on "Empirical Studies of Patent Litigation," Searle Center on Law, Regulation and Economic Growth, Northwestern University, Nov. 12-13, 2009, Chicago, IL.

"Different Strategies for Domain Name Dispute Resolution in an International Environment," with A. Gallo, Symposium on Signifiers in Cyberspace: Domain Names & Online Trademarks, Case Western Reserve University, Nov. 12-13, 2009, Cleveland, OH.

## **ACADEMIC SEMINARS & LECTURES:**

"Creating Incentives for Self-Policing," Program of Environmental and Resource Economics (PERE) Seminar Series, UIUC, Jan. 28, 1999.

"Creating Incentives for Self-Policing," UIUC, College of Law, Faculty Seminar Series, Feb. 5, 1999.

Participated in IEEE Panel on Engineering Ethics, Intellectual Property and the New Information Technologies, Case Western Reserve University, Mar. 24, 1999, published in IEEE Spectrum Magazine, pp. 29-37, Aug. 1999.

"Creating Incentives for Self-Policing," Duke University School of Law, Faculty Seminar, Mar. 26, 1999.

"Internet Service Provider (ISP) Liability in the Digital Millennium Copyright Act (DMCA)," UIUC Graduate School of Library and Information Sciences (GSLIS) Faculty Seminar Series, Sept. 20, 1999.

"Intellectual Property Issues in Developing Countries," UIUC Program on South Asian and Middle Eastern Studies (PSAMES) Seminar, Sept. 28, 1999.

"Hate Speech on the Internet: Must We Turn the Other Cheek?" UIUC Department of African American Studies Faculty Seminar Series, Oct. 4, 1999.

"An Economic Analysis of Patents as Incomplete Contracts," UIUC College of Law Faculty Seminar Series, Oct. 12, 1999.

"Regulation of the Internet and Electronic Commerce," UIUC Graduate School of Business, MBA Faculty Seminar, Oct. 20, 1999.

"Realigning Patent Law with R&D Investment – Patents as Incomplete Contracts," University of Illinois Institute of Government and Public Affairs (IGPA) Faculty Seminar Series, Mar. 2, 2000.

"From Internet Regulation to Law Firm Ethics: Verifiable Self-Enforcement (VSE) as a New Regulatory Paradigm," College of William & Mary School of Law, Faculty Enrichment Series, Mar. 15, 2000.

"From Internet Regulation to Law Firm Ethics: Verifiable Self-Enforcement (VSE) as a New Regulatory Paradigm," University of Illinois at Chicago, Institute of Government and Public Affairs (IGPA) Faculty Seminar Series, Mar. 23, 2000.

"Patents As Incomplete Contracts: Aligning Incentives for R&D Investment with Incentives to Disclose Prior Art," Berkeley Center for Law & Technology Speaker Series, University of California, Berkeley, Apr. 20, 2000.

"Patents As Incomplete Contracts," Strategy Group, College of Business, University of Illinois, Faculty Seminar Series, April 28, 2000.

"Verifiable Self-Enforcement (VSE) as a New Form of Governance," Conference of Asian & Pacific American Law Faculty, University of Hawaii, Works-In-Progress Series, June 2-4, 2000.

"Fool Us Once Shame On You - Fool Us Twice Same On Us: What We Can Learn from the Privatizations of the Internet Backbone Network and the Domain Name System," UIUC College of Law Faculty Seminar Series, Oct. 24, 2000.

"Intellectual Property Issues in Distance Education," Luncheon Speaker, Faculty Retreat, Center for Educational Technologies (CET), University of Illinois, Nov. 3, 2000.

"From Internet Regulation to Law Firm Ethics: Verifiable Self-Enforcement (VSE) as a New Form of Governance," DePaul University College of Law, Faculty Seminar Series, Nov. 29, 2000.

"Patently Appropriate or Patently Absurd: The Patenting of Software Implementations of Business Methods on the Internet," Presentation to Research Center for Advanced Science & Technology (RCAST) Intellectual Property Group and Industry, University of Tokyo, Dec. 14, 2000, Tokyo, Japan.

"A First Principles Examination of Electronic Privacy in the Workplace," Japan Institute of Labour (JIL), Dec. 19, 2000, Tokyo, Japan.

"Business Method Patents: Current Status and Future Recommendations," Institute of Intellectual Property (IIP), Dec. 20, 2000, Tokyo, Japan.

"Fool Us Once Shame On You - Fool Us Twice Same On Us: What We Can Learn from the Privatizations of the Internet Backbone Network and the Domain Name System," IGPA Faculty Retreat, University of Illinois, May 15, 2001, Utica, Illinois.

"Business Method Patents and Technology Commercialization," Speaker and Panelist, High Technology Protection Summit, University of Washington Summer Institute on Intellectual Property, July 20, 2001, Seattle, Washington.

"From Informational Privacy to Biomedical Research: Verifiable Self-Enforcement as a New Form of Governance," Georgetown University Law Center Faculty Workshop Series, Sept. 25, 2001, Washington, DC.

"Getting it Right at the Outset: Granting Patent Rights Commensurate with Innovation," University of San Diego College of Law Faculty Seminar, Sept. 28, 2001, San Diego, California.

"Getting it Right at the Outset: Granting Patent Rights Commensurate with Innovation," Presentation to Research Center for Advanced Science & Technology (RCAST) Intellectual Property Group and Industry, University of Tokyo, Nov. 5, 2001, Tokyo, Japan.

"Culture Clash or Marriage Made in Heaven: Information Technology and Legal Education in the U.S.," Presentation to Research Center for Advanced Science & Technology (RCAST) Intellectual Property Group and Industry, University of Tokyo, Nov. 5, 2001, Tokyo, Japan.

"Law and Economics of New Technology," Panel Presentation, AALS Section on Law and Economics, AALS Annual Meeting, Jan. 2-6, 2002, New Orleans, Louisiana.

"How To Technology," Panel Presentation in AALS Workshop on "Do You Know Where Your Students Are?"

Langdell Logs on to the 21st Century," AALS Annual Meeting, Jan. 2-6, 2002, New Orleans, Louisiana.

"Patented Technologies, World Health and World Hunger," Mid-Atlantic Conf. of People of Color, Jan. 31-Feb. 2, 2002, Georgetown University Law Center, Washington, DC.

"Intellectual Property Law-Global Challenges," The 2002 Distinguished Faculty and Alumni International Lecture Series, "Europe in the 21st Century-New Fears, New Alliances," EU Center of UIUC, University Club, Feb. 27, 2002, Chicago, Illinois.

"Intellectual Property and Agricultural Biotechnology," Meeting of North Central Agricultural Experimental Station Directors, Mar. 13, 2002, Baltimore, Maryland.

"From Informational Privacy to Biomedical Research: Verifiable Self-Enforcement (VSE) as a New Form of Governance," University of Illinois at Urbana-Champaign, Institute of Government and Public Affairs (IGPA) Faculty Seminar Series, Apr. 30, 2002.

"*Festo v. Shoketsu*: Bonanza for Patent Litigators and Headaches for Litigants," Presentation to Research Center for Advanced Science & Technology (RCAST) Intellectual Property Group and Industry, University of Tokyo, June 18, 2002, Tokyo, Japan.

"Carrots and Sticks to Create a Better Patent System," Northwestern University Law School Faculty Workshop, July 11, 2002, Chicago, Illinois.

"U.S. Plant Variety Protection: Sound and Fury..." UIUC College of Law Faculty Seminar Series, Sept. 26, 2002.

Speaker & Moderator of kick-off panel for year-long series on "Silicon Carbon, Culture: Combining Codes Through the Arts, Humanities and Technology," UIUC, Krannert Art Museum, Nov. 7, 2002, Champaign, Illinois.

"An Empirical Exploration of Patent and Plant Variety Protection for Plant Innovation," IP Colloquium, University of Washington School of Law, Feb. 10, 2003, Seattle Washington.

"The Private and Social Costs of Bad Patents: Why Bad Patents Survive in the Market and How Should We Change?" IP Colloquium, Boston University College of Law, Feb. 24, 2003, Boston, Massachusetts; Faculty Workshop, University of North Carolina School of Law, Oct. 3, 2003; Annual Mid-Western Law & Economics Association (MLEA) Meeting, Oct. 11, 2003, Indianapolis, Indiana; Faculty Workshop, University of Pittsburgh, Oct. 31, 2003; Faculty Workshop, DePaul University College of Law, Feb. 5, 2004.

"Health Issues and Patent Reform," Speaker and Panelist, High Technology Protection Summit, University of Washington Summer Institute on Intellectual Property, Jul. 25-27, 2003, Seattle, Washington.

"Private Internet Governance," University of Illinois at Urbana-Champaign, Institute of Government and Public Affairs (IGPA) Brown Bag Lecture Series, Oct. 22, 2003.

"A Comparative Appraisal of Patent Invalidation Processes in Japan and the U.S.," Research Seminar, Institute of Intellectual Property (IIP), Dec. 18, 2003, Tokyo, Japan.

Panelist, "Gadgets, Gizmos, and Googling: Living in the Digital Age," Levis Faculty Center, UIUC, Feb. 25, 2004.

"Overlapping Intellectual Property Protection for Agricultural Biotechnology," Faculty Seminar, Dept. of Agricultural & Consumer Economics, UIUC, Feb. 27, 2004.

"(Un)Intellectual Property," Ford Foundation Distinguished Lecture Series, Institute of Communications Research (ICR), UIUC, Mar. 5, 2004.

"Preservation of Privilege: What the Patent Prosecutor and In-House Counsel Should Know?," Moderator, High Technology Protection Summit, University of Washington Summer Institute on Intellectual Property, July 16-17, 2004, Seattle, Washington.

Participated in an invitation-only Stanford-Berkeley Conference on Empirical Patent Research, Feb. 4, 2005, St. Helena, California.

"The Patent System We Have Today and the Case for Patent Reform," Faculty Workshop, Emory University School of Law, Nov. 9, 2005, Atlanta Georgia.

"Intellectual Property: 9 Fundamentals and 1 Question," Int'l Symp. on "The Role of Law in Economic Development—Implications for China and the World," Dec. 5-6, 2005, Zhongshan University, Guangzhou, China.

"Intellectual Property: 9 Fundamentals and 1 Question," Dec. 9, 2005, Zeijiang University, Hangzhou, China.

"The Patent System We Have Today and the Case for Patent Reform," Patent Law Seminar, DePaul University, Feb. 20, 2006, Chicago, Illinois.

"Adjudication and Settlement of Patent Disputes—An Empirical Study of Court Decisions," with G. Ball, Faculty Workshop, Whittier Law School, Mar. 3, 2006, Costa Mesa, California.

Commentator, Panel on "The Technological and Scientific Frontier in East Asia," University of Illinois, Apr. 14, 2006, Champaign, Illinois.

"The Political Economy of the Patent System," Symp. on the Political Economy of Patent Reform, University of California, May 5, 2006, Berkeley, California.

"The Case for Patent Reform," Faculty Workshop, Fordham University School of Law, Dec. 5, 2006, New York, NY.

"Insecure Property Rights, R&D Investment and Plant Innovation: A Comparative Perspective," Intellectual Property Speakers Series, George Washington University School of Law, Feb. 21, 2007, Washington, DC.

"Insecure Property Rights, R&D Investment and Plant Innovation: A Comparative Perspective," Faculty Workshop, Drake University, Mar. 14, 2007, Des Moines, IA.

"Insecure Property Rights, R&D Investment and Plant Innovation: A Comparative Perspective," Faculty Workshop, University of Alabama School of Law, Sept. 20, 2007, Tuscaloosa, AL.

"Is There a Case for Specialized Patent Trial Courts? The Empirical Evidence," **Distinguished Professor Presentation**, The John Marshall Law School, Oct. 10, 2007, Chicago, IL.

"Congressional Patent "Reform" Efforts and Why Should You Care? The Case of Biotechnology," Seminar Presentation, University of Illinois at Chicago, Oct. 11, 2007, Chicago, IL.

"Building Bridges: A Vision for an IP Program," Faculty Workshop, Michigan State University College of Law, Oct. 24, 2007, East Lansing, MI.

"The Case for Specialized Patent Trial Courts – Empirical Evidence," Faculty Workshop, Santa Clara University School of Law, Nov. 30, 2007, Santa Clara, CA.

Commentator, Intellectual Property Scholars Roundtable, Michigan State University, Feb. 15-16, 2008, East Lansing, MI.

Symposium Fellow, Symp. on Bessen & Meurer, "Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk," Univ. of Georgia, Mar. 29, 2008, Athens, GA.

"Insecure Property Rights, R & D Investment, and Plant Innovation: A Comparative Study," with A. Gallo, Faculty Workshop, University of Illinois College of Law, Mar. 31, 2008, Champaign, IL.

"BioBEL and CEM," Kauffman Foundation Sponsored Workshop on Graduate Education in Technology Commercialization, Georgia Institute of Technology, May 2, 2008, Atlanta, GA.

"The Political Economy of the Patent System," with A. Gallo, Faculty Workshop, Seattle University School of Law, Jan. 23, 2009, Seattle, WA.

"An Economic Analysis of the Renewable Fuel Standard (RFS)—Expectations and Reality," with A. Ohyama, Faculty Workshop, University of Illinois, Dec. 3, 2009, Champaign, IL.

## **OTHER TALKS:**

"Technology as Law in Cyberspace," Luncheon Address, UIUC College of Engineering Advisory Board Annual Meeting, Sept. 16, 1999.

"Free Expression in Cyberspace," Focus 580 Featured Guest with Host David Inge, WILL-AM-FM, 10:00-11:00 a.m., Feb. 17, 1999.

"Free Expression in Cyberspace," University YMCA Friday Forum: Spring 1999, From Frankenstein to Sliced Bread: Empowering the Human in a Technological Society, Feb. 19, 1999.

Moderator, Frank Wu vs. Dinesh D'Souza, "Debate: Abolish Affirmative Action," Lincoln Hall Theater, University of Illinois, Mar. 8, 1999.

Speaker, IGPA Policy Sounding, "The Internet: Can It Be Regulated?" 1999 (with T. Ulen).

"Patent Protection for Internet-Related Software Inventions," John Marshall School of Law, Lunch & Learn Series, Mar. 22, 2000.

"The Internet & E-Commerce: Culture Clash or a Marriage Made in Heaven?" 25th Anniversary, Executive-MBA Program, University of Illinois, May 5, 2000.

"State Sales Taxation of E-Commerce," DuKane Valley Municipal Council, Illinois, June 14, 2000.

"Personal Jurisdiction in Cyberspace," Illinois State Bar Association (ISBA) Presentation, Chicago, Sept. 15, 2000 & Bloomington, Sept. 19, 2000.

"State Sales Taxation of E-Commerce," IGPA New Legislators' Workshop, Luncheon Speaker, Springfield, IL, Nov. 28, 2000.

Speaker, IGPA Policy Sounding, "Sales Tax: How to Apply It to E-Commerce," 2001 (with F. Giertz).

"Intellectual Property and the Internet," Focus 580 Featured Guest with Host David Inge, WILL-AM-FM, 11:00-12:00 a.m., Aug. 1, 2001.

Panel Presentations on Careers in Legal Academia and in Intellectual Property Law, National Conf. of South Asian Law Students Association, Feb. 16, 2002, Northwestern University, Chicago, Illinois.

"SBC and Telephone Regulation," Focus 580 Featured Guest with Host David Inge, WILL-AM-FM, 10:00-11:00 a.m., June 6, 2003.

Short Course on "Introduction to Intellectual Property," Chinese Shandong Province Public Administrators Program, University of Illinois, Aug. 28, 2003, Champaign, Illinois.

"Technology & Patent Litigation: The Role of Special Masters in Context, Theory and Practice," Intellectual Property Section, Chicago Bar Association, Feb. 24, 2004, Chicago, Illinois.

"Intellectual Property and Farming," Illinois Farm Bureau, Technology Issues Advisory Group, June 14, 2004, Bloomington, Illinois.

"Globalization: The Challenges and Benefits for India," UIUC International Summer Institute on World Economies, International Trade and Globalization, July 6-10, 2004, Champaign, Illinois.

Moderated panel on "Doing Battle in the 21st Century," at Conf. on "Doing Business and Doing Battle in the Digital Age," TechLaw Group and Jenner & Block, May 20, 2005, Chicago, Illinois.

Moderator, Panel on "Sec. 337 Actions," 7th Federal Circuit Bench and Bar Conf., June 23-25, 2005, Kiawah Island, South Carolina.

Panelist, Panel on Patent Trolls and Balance in Patent Rights, 50th Annual Conf. on Developments in Intellectual Property Law, John Marshall Law School, May 25-26, 2006, Chicago, Illinois.

Mock Patent Trial, Summer Intellectual Property Symp., June 28-29, 2007, Oxford, UK.

Panelist, Kauffman Foundation Roundtable on Law and Entrepreneurship, Feb. 29, 2008, Kansas City, MO.

Panelist, Legal Academic Panel, North American South Asian Bar Association (NASABA), Annual Conference, June 27, 2008, Chicago, Illinois.

Panelist, Panel on A Perspective by Judges and Practitioners on Planning, Presenting, and Winning Your Patent Case, Judicial conference of the Fifth Circuit, May 3-6, 2009, New Orleans, LA.

Panelist, Social Networking Issues, CU at Lunch, Creighton University, Nov. 6, 2009, Omaha NE.

## **SCHOLARLY & PROFESSIONAL ACTIVITIES:**

- Member, International Editorial Board, I/S: A Journal of Law and Policy for the Information Society, 2007-Present
- Symposium Co-organizer, "The Promise of the Prairie: University-Industry Interactions," University of Illinois, Union League Club of Chicago, Apr. 11-12, 2008, Chicago, IL
- Symposium Co-organizer, "Intellectual Property Protection in Asia: Moving Beyond Producers and Consumers," Part of year-long program, "Science and Technology in the Pacific (STIP)," Center for Advanced Study, University of Illinois, Mar. 7-8, 2008, Champaign, IL
- Program Committee Member, ICEGOV2008: 2nd International Conference on Theory and Practice of Electronic Governance.
- Program Committee Member, International Conference on Digital Government Research, 2006-Present; Member, Digital Government Society of North America (DGSNA)
- External Panel Review Member for Research Proposals on Social and Economic Dimensions of Biofuels, Energy Biosciences Institute (EBI), UC-Berkeley, UIUC and LBNL, 2007
- Group Leader, Business, Economics and Law of Genomic Biology (BioBEL) research theme, Institute of Genomic Biology (IGB)
- Faculty Editor-in-Chief, Journal of Law, Technology and Policy (JLTP), University of Illinois, <http://www.jltp.uiuc.edu>
- National Human Genome Research Initiative (NHGRI), National Institutes of Health (NIH), Intellectual Property Panel Review Member, 2005
- National Science Foundation (NSF) Panel Review Member, 2000-Present
- Symposium Co-organizer, "Law in the Age of Networks: Implications of Network Science for Legal Analysis," University of Illinois, Mar. 10, 2006, Champaign, Illinois
- Symposium Organizer, "Seeds of Change: Intellectual Property Protection for Agricultural Biotechnology," University of Illinois, April 8-10, 2004, Champaign, Illinois.
- Symposium Co-organizer, University of Illinois Law Review Symposium on "Intellectual Property Challenges in the Next Century," April 2000
- Co-organizer, Center for Advanced Study (CAS), University of Illinois Seminar Series, "The University's Changing Role: Defining Values for Research & Technology," 2000-01
- Co-taught, Capstone Undergraduate Course, University of Illinois, Colloquium in South, Southeast and Southwest Asian Studies, "Basmati, Software and Pharmaceuticals: Trade, Technology and Intellectual Property in South Asia," Spring 2000
- Supervised law students enrolled in the Transactional Law Clinic at the University of Illinois and working on patent prosecution matters, 1998-Present
- Special Master, Appointed by U.S. federal judges in patent litigations
- Consultant, U.S. Department of Commerce, Technology Commercialization and Intellectual Property, 1999-2002

- Consultant, U.S. Civilian Research & Development Foundation (CRDF), Technology Commercialization and Intellectual Property, 1999-2002
- Lecturer, Patent Bar-Bri, Patent Bar Examination Preparation Course, 1999-Present
- Member, Litigation Committee & Member, IP Strike Force, American Association of University Professors (AAUP), 2000-Present
- Giles S. Rich American Inn of Court, Pupil-Student (1995-97)
- Referee for scientific publications in peer-reviewed scientific journals

### **SERVICE ACTIVITIES:**

- Faculty Fellow, Office of the Vice President for Technology & Economic Development, University of Illinois System, 2009-2010
- Member, Executive Committee, Certificate on Entrepreneurship and Management (CEM) for Life Scientists, University of Illinois, 2008-Present
- Member, Executive Committee, Institute of Genomic Biology (IGB), University of Illinois, 2008-Present
- Member, Steering Committee, Information Trust Institute (ITI), University of Illinois, 2008-Present
- Member, University of Illinois System-Wide Committee on Intellectual Property, 2003-Present
- University of Illinois College of Law, Served on: Placement & Clerkships Committee, Student Diversity Committee, Technology Committee (served as Chair for several years), Admissions Committee, International Programs & Studies Committee
- Faculty Adviser, Asian American Law Students Association, University of Illinois College of Law, 1998-Present
- Member, University of Illinois College of Law Dean Search Committee, 2001-2002
- Member, Provost Committee for Development of the Office of Technology Management (OTM) Business Plan, University of Illinois, 2000-2001 (business plan presented, approved and implemented)
- Member, Provost Committee on Campus IP Policy, 2001 (formulated and wrote first draft of IP policy for the university, with special emphasis on online education issues)
- Member, University of Illinois Faculty Senate, Statutes and Senate Procedures Committee, 2000-2001
- Member, University of Illinois Faculty Senate, Information Technology Committee, 2001-2002
- Member, Board of Advisors, iTEC (Illinois Technology Entrepreneur Center), University of Illinois, 2000-2004
- Member, Board of Advisors, OTM (Office of Technology Management), University of Illinois, 2000-2004
- Conduct “Outlining” and “Exam-Taking” Workshops for law students, University of Illinois College of Law, 1998-2000
- College of Law Senator, University of Illinois Faculty Senate, 1999-2001